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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/027,409 | 12/20/2001 | Bernd Eilers | 30014200-1015 | 2814 |

58328 7590 01/08/2007
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| EXAMINER |
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AILES, BENJAMIN A

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| ART UNIT | PAPER NUMBER |
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2142

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 01/08/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/027,409 | | EILERS ET AL. | |
| | Examiner | | Art Unit | |
| | Benjamin A. Ailes | | 2142 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,9-11 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,9-11 and 19-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 9-11 and 19-24 remain pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02 October 2006 has been entered.

Claim Rejections - 35 USC § 112

3. Claim amendments filed 02 October 2006 overcome the 35 USC 112, first paragraph, rejection made in the prior office action. The rejection has been withdrawn.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 9-11 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracton et al. (US 6,470,378 B1), hereinafter referred to as Tracton, in view of Colby et al. (US 6,862,624), hereinafter referred to as Colby.

7. Regarding claim 1, Tracton teaches a method in a data processing system comprising a web server having a web page with a content, the method comprising the steps of:

determining to download the web page to a client responsive to receiving a request message from the client to download the web page (col. 3, ll. 41-42);

obtaining a client capability of the client from a source other than the client responsive to the determination (col. 4, ll. 7-10);

analyzing the request message to detect a minimum client characteristic (col. 5, ll. 30-37);

adapting the content of the web page to be compatible with the obtained client capability and the minimum client characteristic (col. 4, ll. 10-13); and

downloading the web page with the adapted content to the client (col. 4, ll. 10-13).

Tracton teaches the above limitations but does not explicitly teach "wherein the web server retrieves the client capability from a local secondary storage on the web server". Tracton teaches wherein a client capability can be obtained from a registry

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located remotely for security reasons (col. 4, ll. 4-13). However, in related art, Colby teaches wherein a server can store information locally, the information being of client information with respect to a client's capability. Colby teaches in Figure 2 a Client Capability Database (CCD), item 112 and column 7, lines 17-21 the CCD which contains information related to the known capabilities of clients and therefore directly teaches on the ability of a server being able to access information with respect to client capability information from a local storage area. One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to modify the teachings of Tracton in view of Colby, wherein it would have been obvious to make a slight modification to the "registry" taught by Tracton by implementing the "registry" to be located locally with respect to the web server instead of being in a remote location. One of ordinary skill in the art at the time of the applicant's invention would have recognized the advantage of placing information accessible locally instead of remotely would accelerate information access speed due to decreasing the amount of transactions that need to be conducted over the network. One of ordinary skill would have been motivated for the reasons stated above, specifically in order to accelerate "client capability" determination transaction speed.

8. Independent claims 11, 21 and 24 contain similar subject matter and are rejected under the same rationale as independent claim 1.

9. Regarding claim 9, Tracton and Colby teach the method wherein the client comprises a browser program, and wherein the client capability comprises a setting of the browser program (Tracton, col. 6, ll. 44-49).

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10. Regarding claim 10, Tracton and Colby teach the method wherein the client capability comprises a video display capability of the client (Tracton, col. 4, ll. 33-42).

11. Regarding claim 19, Tracton and Colby teach the method wherein the client comprises a browser program, and wherein the client capability comprises a setting of the browser program (Tracton, col. 6, ll. 44-49).

12. Regarding claim 20, Tracton and Colby teach the method wherein the client capability comprises a video display capability of the client (Tracton, col. 4, ll. 33-42).

13. Regarding claim 22, Tracton and Colby teach the method wherein the client comprises a browser program, and wherein the client capability comprises a setting of the browser program (Tracton, col. 6, ll. 44-49).

14. Regarding claim 23, Tracton and Colby teach the method wherein the client capability comprises a video display capability of the client (Tracton, col. 4, ll. 33-42).

Response to Arguments

15. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Smith (US 2004/0193704) teaches an on-demand data stream parceling service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

baa

Beatriz Prieto
BEATRIZ PRIETO
PRIMARY EXAMINER